

COURT TO JUDGE

Judge Coughenour

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON, SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v

TOBECHI ONWUHARA,

Defendant

)
) NO CR 03-11C

) DEFENSE SENTENCING
) MEMORANDUM

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____
MAY 21 2003 PM
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

Defendant Tobechi Onwuhara pled guilty to illegal transactions and attempted transactions with credit card access devices, a violation of 18 U.S.C. § 1029(a)(5) and (b)(1). Sentencing is scheduled for May 23, 2003.

Sentencing Recommendation

Based on the circumstances of the case, the defense recommends the court impose the following sentence:

- (1) Twelve (12) months and a day,
- (2) Three (3) years of supervised release,
- (3) Restitution, as directed,
- (4) Non-mandatory costs should be waived.

Guideline issues and calculation

Reckless endangerment (USSG § 3C1.2). The defense objects to this enhancement.

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Mr. Onwuhara was present in the getaway vehicle after the police pursuit began, but he was merely the passenger. He entered the car in the bank parking lot shortly before the driver, Abel Nnabue, panicked and began speeding away. Mr. Onwuhara did not "aid or abet, counsel, command, induce, procure or willfully cause" this conduct. His own actions in attempting to dispose of evidence while in flight and in running from the scene of the stopped vehicle several blocks later, while certainly not laudable, did not create a substantial risk of death or serious bodily injury to another person in the course of flight from law enforcement. After his arrest, he helped police locate the items he had thrown from the car. No enhancement under USSG § 3C1.2 is appropriate.

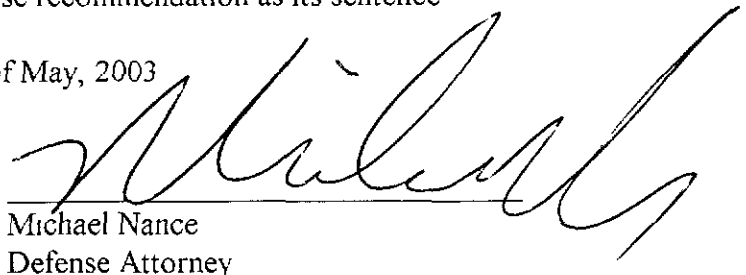
Mr. Onwuhara's resulting adjusted offense level is 16. With a three-level adjustment for acceptance of responsibility, his resulting total offense level is 13. With a criminal history category I his presumptive guideline range is 12-18 months.

Discussion

Mr. Onwuhara is 23 years of age without any criminal history. He enjoys family support back in Texas and has a varied employment background. Once his prison sentence is complete, he hopes to resume his college education.

The court is urged to adopt the defense recommendation as its sentence.

Respectfully submitted this 19th day of May, 2003



Michael Nance
Defense Attorney

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CHRIST ANOINTING MINISTRIES AND CHURCHES INC.

1148 LUKE STREET, IRVING, TX 75061

PH: 817 226 7887

FAX: 817 226 7886

To Whom It May Concern:

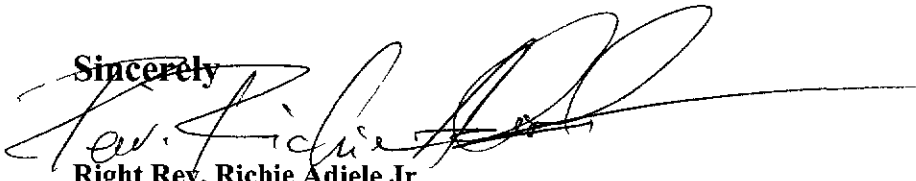
This is to attest that TOBECHI ENYINNA ONWUHARA is a member of our church in good standing. He is a well-mannered young man with good behavior and a good sense of moral judgment before he got involved with some bad company, which might have played a part in his present situation.

Our organization is made up of ministries with faith and licensed based councilors who can help him. We will like to lend our support in any way possible after his release. Our professional staff will do everything humanly and spiritually possible to help him stay out of trouble and thereby achieve a successful rehabilitation and reentrance into the society.

We therefore, make our services and staff available to provide any society based supervision and reorientation to assure that he becomes an honest and good citizen that he has been before this incident.

Thank you in advance for a favorable consideration of our request. If you have any further question please feel free to call me at 817 226 7887 or 972 345 0837.

Sincerely

A handwritten signature in black ink, appearing to read "Rev. Richie Adiele Jr.", with a long horizontal flourish extending to the right.

**Right Rev. Richie Adiele Jr
Senior pastor**

Linda C Ikoh
1701 Briarhollow Dr
Allen, TX 75002
03-28-2003
214-282-0238

To Whom It May Concern

I am writing this letter with a profoundly heavy heart Tobechi Onwuhara is my baby brother and an only son to my mother He is the last in a line of four girls He is not spoilt or taught that he can acquire wealth by any fraudulent means Quite frankly this is the singular most shameful incident my family has ever experienced

I would like to use this opportunity to apologize to all the people that his recent fraudulent activities have affected in any way I can imagine how angry and upset and how painful this must be to them

Tobechi is not a bad child In fact, he has repeatedly proven himself to be exceptionally bright He excelled in school while he was a student The only reason I can come up with for the dangerous lifestyle he has come into recently is bad company and maybe peer pressure

I beg you to please be lenient with him and give me and the rest of our family an opportunity to help him turn his life around I strongly believe he can be fully rehabilitated and I am not just saying this because he is my brother I am promising and giving my word as a Christian woman that I will do whatever is necessary to make sure he stays on the right path

Please do not throw the book at him That will most surely kill our mother

Please give him this one last chance to at least try to salvage what is left of his youth Please I am pleading with the court to please be lenient with him, I know it is probably a lot to ask, but I felt I should let you know from my heart that I speak for the rest of my family when I say we are truly sorry for all the trouble he has caused and we beg you to please temper justice with mercy

Thank you,
On behalf of the Onwuhara family


Linda Chinyere Ikoh

Dear Judge,

Good day to you, I'm 23 yr old Tobechi Onwurah sir. I'm an African American male and last in a family of six. Your honor I'd like to say that I've been a disappointment not only to myself, but to my parents, sisters, my church and also the United States. Everybody had high hopes for me, that I'd be a disciplined and hard working man. A law abiding citizen, now I feel like I don't even deserve the support they're giving me your honor. I was taught by my dad not to be a follower, I didn't have to do what the next guy said, but I chose to and it led me away from the path I was taught to walk and brought me to this path of self destruction. I realize the error of my ways your honor, and it's a shame it had to take me being a felon for all the good teachings I've had to sink into my thick skull. I'm deeply and sincerely sorry for what I've done and taken part in. I've had six months to think about how my life that was so promising two years ago got tangled up with credit card fraud. It was something I could easily have walked away from just by saying no. My fiancée is 21 her name is Precious Matthews, she's been a blessing to me and I need to do right by her, she is the world to me. Precious graduates this year from Baylor University in Waco Texas your honor and by God's grace we will get married if things remain good in our relationship. I don't know what's going to happen when I come before your honor to get sentenced but what I do know your honor is that you'll never again see me in any kind of trouble with the law or hear anything negative about me from this day forward. I'll do any kind of community service, even work three jobs to pay any loss back to the community. I'm the only United States citizen in my family and the only family I have here is my elder sister, she cries everyday because of my stubborn self. I've never been before a judge for sentencing and it's a weird feeling Your honor. I would never plan to hurt anything or anybody

I don't even fight. But this situation has taught me that there are different forms of hurt and I promise before the court that it will never happen again. I just ask for a chance to do right by the law again, to go back to Brookhaven College and get my degree to repay all I've hurt. I throw myself upon the mercy of the court your honour and I will not let the court down.

Sincerely yours,

Tobe Onwuhaqa